

HOLDING TANK ORDINANCE  
FOR  
THE TOWN OF HUDSON, MAINE

Adopted  
March 22, 1997

## HOLDING TANK ORDINANCE FOR

### THE TOWN OF HUDSON, MAINE

#### SECTION 1. PURPOSE:

The purpose of this ordinance is to establish procedures for the use and maintenance of holding tanks for any systems designed to receive and retain waste water from residential or commercial uses. It is hereby declared that the enactment of this ordinance is necessary for the protection, benefit, and preservation of the health, safety and welfare of the inhabitants of this municipality.

#### SECTION 2. DEFINITIONS:

In general, words and terms used in this ordinance shall have their customary dictionary terms. More specifically, unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Ordinance shall be as follows:

**Agent** shall mean any person or persons officially designated by the Authority to act in its behalf.

**Authority** shall mean the municipal officers of the Town of Hudson, Penobscot County, Maine.

**Holding Tank:** a closed water-tight structure designed and used to receive and store waste water or septic tank effluent. A holding tank does not discharge waste water or septic tank effluent to surface or ground water or onto the surface of the ground. Holding tanks are designed and constructed to facilitate ultimate disposal of waste water at another site.

**Improved Property:** shall mean any property within the municipality upon which there is a structure intended for continuous or periodic habitation, occupancy, or use by humans or animals and from which structure waste water shall or may be discharged.

**Municipality** shall mean the Town of Hudson, Penobscot County, Maine.

**Owner** shall mean any person vested with ownership, legal or equitable, sole or partial, of any property located in the municipality.

**Person** shall mean any individual, partnership, company, association, or other group or entity.

**Records** shall mean all information pertinent to the holding tank, specifically the name

of the installer of, the date of the installation of, the individual components of, the pumping dates of, the amount of waste water pumped from, the name of the pumper of, and any required or necessary maintenance of the owner's holding tank.

**Waste water** shall mean any liquid waste containing animal or vegetable matter in suspension or solution, or the water carried wastes from the discharge of water closets, laundry tubs, washing machines, sinks, dishwashers, or other source of water carried wastes of human origin. The term specifically excludes industrial, hazardous, or toxic wastes and materials.

### SECTION 3. RULES AND REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAW.

All such rules and regulations adopted by the authority shall be in conformity with provisions herein, all other Ordinances of the Town of Hudson, all applicable laws, and applicable rules and regulations of the administrative agencies of the State of Maine. Holding tanks cannot be used for seasonal conversion (see Maine State Plumbing Codes Subsurface Wastewater Disposal Rules Subsection 301.2) or for new construction within the shoreland zone area of the municipality.

### SECTION 4. SYSTEM REQUIREMENTS.

Any person wishing to use a holding tank to receive and store waste water or septic effluent must follow the normal process for system design as required by the Maine State Plumbing Code and obtain a completed septic system design plan and holding tank application from a State licensed Site Evaluator (see Maine State Plumbing Code). These plans must be submitted to the Authority or its agent for review and approval. Approval will be based on the plans meeting the requirements of the Maine State Plumbing Code. The required review fee (See Table 110.2) must accompany the plans when submitted for review and approval. Any approved system must be installed according to the specifications of the design plan. The Authority shall have the right to attach a reasonable pumping schedule for the collection of all wastewater from any holding tank as a condition of approval. That schedule shall be based on the capacity of the tank and frequency of its use.

### SECTION 5. RATES AND CHARGES.

The Authority shall have the right and power to fix and alter, charge and collect fees, rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law (See Table 110.2).

### SECTION 6. COLLECTION AND DISPOSAL.

The collection, transportation and disposal of all wastewater from any improved property utilizing a holding tank shall be done after notification is given to the Authority or its Agent that the pumping is to occur, only by those persons or businesses licensed by the

Maine Department of Environmental Protection to perform that service. The disposal thereof shall be at such sites as have been licensed and approved by the Maine Department of Environmental Protection.

#### SECTION 7. DUTIES OF OWNER OF IMPROVED PROPERTY.

The owner of an improved property that utilizes a holding tank shall:

A. Maintain the holding tank system in conformance with this or any other Ordinance of the Town of Hudson, the provisions of any applicable law, the rules and regulations of the Authority, the Maine State Plumbing Code, and any administrative agency of the State of Maine; and

B. Notify the Authority or its agent when it becomes necessary for the holding tank to be pumped, and when and by whom that will occur; and

C. Permit only those persons or businesses licensed and approved by the Maine Department of Environmental Protection to collect, transport, and dispose of the contents of a holding tank to collect, transport, and dispose of the contents therein; and

D. Maintain records relating to the collection of the contents of the holding tank, submit those records to the Authority or its agent quarterly, and retain all records pertaining to their holding tank for a period of three (3) years.

#### SECTION 8. VIOLATIONS.

Any person who violates any provision of this ordinance shall be subject to the penalties outlined in M.R.S.A. 30-A, plus costs.

#### SECTION 9. ABATEMENT OF NUISANCES.

In addition to any other remedies provided in this Ordinance, any violation of SECTION 7 above, which may constitute a nuisance may, if necessary, be abated by the municipality or the Authority under Title 30-A section 342B, or by seeking appropriate equitable or legal relief from a court of competent jurisdiction.

#### SECTION 10. REPEAL.

All ordinances or resolutions, parts of ordinances or resolutions, insofar as they are inconsistent herewith, are hereby repealed.

#### SECTION 11. SEVERABILITY.

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not effect or impair any of the remaining provisions, sentences, clauses, sections, or

parts of this Ordinance.

## SECTION 12. EFFECTIVE DATE.

The effective date of this Ordinance or any amendments thereto shall be effective immediately following its/their adoption at an Annual or Special Town Meeting.

### TABLE 110-2 RATES & CHARGES

Permit Application Fee .....	**
System Design Review Fee .....	\$20.00
System Inspection Fee .....	**
Wastewater Collection Charge .....	****

Note: Fee schedules with a \*\* shall be those fees prescribed by the State Plumbing Code and shall be collected by the Local Plumbing Inspector.

Fee schedules noted with \*\*\*\* shall be those fees and charges assessed by the persons or business licensed to collect and dispose of the wastewater and who perform that service for the owner of the improved property utilizing a holding tank.